

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 FEB 24 P 1:59

U.S. DISTRICT COURT
DISTRICT OF MASS.

GUCCI AMERICA, INC.)
)
Plaintiff,)
)
v.)
)
)
LUXURY BRANDS, LLC,)
LUXURYBRANDSLLC.COM, and)
JAMES MCHUGO,)
)
Defendants.)

CIVIL ACTION NO.: 04-12480 PBS

JOINT STATEMENT SUBMITTED PURSUANT TO
FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1

Plaintiff, Gucci America, Inc. ("Gucci"), and Defendants, Luxury Brands, LLC ("Luxury Brands"), and James McHugo, collectively (the "Defendants"), submit this Joint Statement in accordance with Fed. R. Civ. P. 26(f) and Local Rule 16.1.

A. Concise Statement

Plaintiff asserts that:

1. Gucci is a manufacturer and distributor of world-famous high-quality designer products such as leather goods, clothing, jewelry, and accessories.
2. The Defendants are sellers, distributors, and suppliers of counterfeit Gucci products.
3. The Defendants are the acknowledged suppliers of counterfeit Gucci products to Smart Bargains, Inc., a Massachusetts corporation, which operates the website www.smartbargains.com.

4. SmartBargains, Inc. has named Luxury Brands as its supplier of counterfeit Gucci products.
5. Gucci has the Luxury Brands invoices for the sale of counterfeit products to SmartBargains (see Exhibit B of the Complaint).
6. On November 23, 2004, Gucci filed a Complaint with this Court in which Gucci alleges that the Defendants are knowingly and willfully distributing, selling, and offering for sale counterfeit items bearing the Gucci trademarks.

Defendants deny these allegations and further state that if it is proved that such goods are counterfeit, defendants did unknowingly and innocently sell the same.

B. Proposed Agenda for Scheduling Conference

The parties jointly propose that the agenda for the Local Rule 16.1(A) scheduling conference include a discussion of the following topics:

1. Proposed discovery and expert discovery plan;
2. Proposed schedule for filing of motions, including dispositive motions;
3. Hearing dates for potential motions;
4. Proposed trial date;
5. Possible mediation; and
6. Settlement/alternative dispute resolution.

C. Proposed Discovery Plan

The parties jointly propose that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(c) and take place in accordance with the following schedule.

<u>Event</u>	<u>Cutoff Date</u>
1. Document Requests	May 31, 2005
2. Interrogatories	May 31, 2005
3. Fact Discovery	July 15, 2005
4. Expert Designation	July 15, 2005
5. Expert Discovery	August 15, 2005

D. Pretrial and Trial

Final Pretrial Conference on or after September 1, 2005, if no dispositive motions are filed or, in the alternative, at the Court's earliest convenience after rulings have been made should dispositive motions be filed.

E. Certifications

The certifications required by Local Rule 16.1(D)(3) are attached hereto or will be filed separately on or before the day of the conference.

F. Mediation and Trial by Magistrate

The parties agree to consider mediation on an ongoing basis as an option for the resolution of this matter. At this time, the parties do not consent to trial before a United States Magistrate Judge.

Gucci America, Inc.

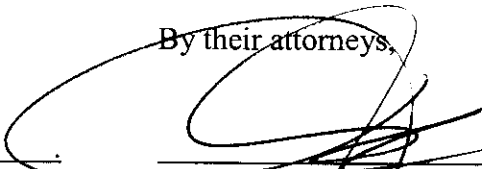
**Luxury Brands, LLC,
Luxurybrandsllc.com, and
James McHugo**

By its attorneys,

By their attorneys,



Mark Schonfeld, BBO# 44690
BURNS & LEVINSON LLP
125 Summer Street
Boston, MA 02110
Tel: (617) 345-3000
Fax: (617) 345-3299



Jeffrey S. Baker, BBO #544929
BAKER & ASSOCIATES
Two West Hill Place
Suite 100
Boston, MA 02114
Tel: (617) 573-9505
Fax: (617) 573-9503

2-22-05

00906259

CERTIFICATE OF SERVICE

I hereby certify that this document
was served on 2/24/05
party by (name) Mark Schonfeld in other